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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,109	10/19/2005	Shinichi Inaba	271114US3PCT	3927
22850 7590 10/29/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER VERMA, RISHI GOPAL				
ART UNIT 3788		PAPER NUMBER		
NOTIFICATION DATE 10/29/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/532,109

Applicant(s)

INABA ET AL.

Examiner

RISHI VERMA

Art Unit

3788

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/21/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/15/2010 has been entered.

Claims 1-18 are pending in this application.

Claims 5-8 are withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 9 shows filling the bag's main body with a surface agent. Claim 9 dependent on claim 1; therefore, how can the container be filled while it is in a folded state or is there a folding

the folding state as mentioned in claim 1. There is no support in the specification and a missing step in claims. Therefore, examiner considers that main body is filled after opening the container from a closed state.

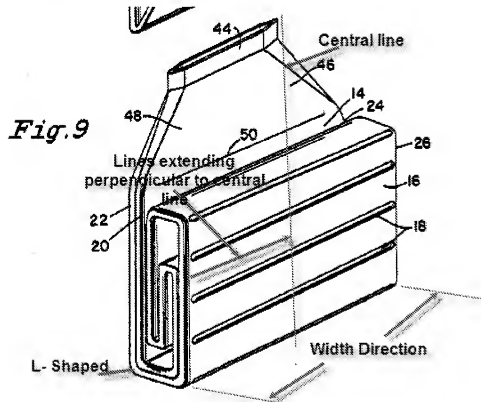
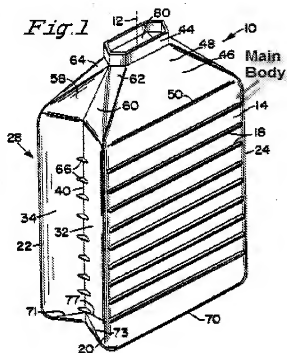
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 18 is rejected under 35 U.S.C 102 (b) as being unpatentable over Segati (U S Patent No.: 5174458).



Regarding claim 18, Segati teaches a method of preparing a self-supporting bag as illustrated in Fig. 1, comprising: molding (Segati, column 4 lines 4-5) a main body as labeled above in Fig. 1 of the self-supporting bag, including a body portion 14 and a bottom portion 70; folding the main body of the self-supporting bag as illustrated in Fig. 8, including the body portion and the bottom portion such that the bottom portion is parallel to the body portion and the self-supporting bag is flat as illustrated in Fig.8; and folding the folded self-supporting bag by standing up both side portions 20,22,26,24 of the body portion and the bottom portion in a width direction as labeled above in Fig. 9 such that the support bag is L-shaped as labeled above in Fig. 9 on both of the side portions to maintain the self-supporting bag in a folded state as illustrated in Fig. 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness

under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 11, 12 are rejected under 35 U.S.C. 103(a) as being obvious over Segati (U S Patent No.: 5174458) in view of Applicants Admitted Art (page 1, lines 1-24).

Regarding claim 1, A method of preparing a self-supporting bag, comprising:
molding (Segati, column 4 lines 4-5) a main body as labeled above in Fig. 1 of the self-supporting bag, including a body portion 14 and a bottom portion 70
; folding the main body of the self-supporting bag as illustrated in Fig. 8, including the body portion and the bottom portion such that the bottom portion is parallel to the body portion and the self-supporting bag is flat as illustrated in Fig.8; and
folding the folded self-supporting bag by standing up both side portions 20,22,26,24 of the body portion and the bottom portion in a width direction as illustrated in Fig. 9 such that the support bag is L-shaped as labeled above in Fig. 9 on both of the side portions to maintain the self-supporting bag in a folded state as illustrated in Fig. 9.
with exception of synthetic resin. Applicant Admitted Prior Art teaches synthetic resin (Applicant Admitted Art, page 1, line 21) in order for the main body of the bag can be folded (Applicant Admitted Art, page 1, line 23-24). It would have been obvious to one having ordinary skill in the art at the time the invention to modify a container to be made of any material such as synthetic resin because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability (example: entire main body of the bag can be folded) for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Regarding claim 11, Segati-Applicant's Admitted Art teaches the claimed invention as applied to claim 1; and Segati-Applicant's Admitted Art teaches the body portion includes two side surfaces 32, 34,36,38 and the folding the main body_includes folding each of the two side surfaces into two toward an inner side of the body portion so as to fold the body portion in parallel to the bottom portion as illustrated in Fig. 8.

Regarding claim 12, Segati-Applicant's Admitted Art teaches the claimed invention as applied to claim 1; and Segati-Applicant's Admitted Art further teaches the folding the folded self-supporting includes standing up both of the side portions of the main body portion and the bottom portion in the width direction as labeled above in Fig. 9 such that the side portions extend in a direction perpendicular to a central portion of the main body as labeled above in Fig. 9 (Segati).

Claims 2, 4, 15, 16 are rejected under 35 U.S.C. 103(a) as being obvious over Segati (U S Patent No.: 5174458) in view of Applicants Admitted Art (Page 1, Lines 1-24) as applied to claim 1 in further view of Shimada Shiniji (JP Patent No.: 2001072030).

Regarding claim 2, Segati-Applicant's Admitted Art teaches the claimed invention as applied to claim 1. Segati-Applicant's Admitted Art does not teach folding the main body includes folding the bottom portion into two toward an inner side of the body portion so as to fold the bottom portion in parallel to the body portion. Shimada Shiniji teaches folding the bottom portion into two toward an inner side 5 of the body portion so as to fold the bottom portion in parallel to the body portion as illustrated in Fig. 8 in order to store the container. It would have been obvious to one of the ordinary skills in the art at the time of the invention to modify the bottom portion of Segati-Applicant's Admitted Art with folding the bottom portion into two toward an inner side 5 of the body portion so as to fold the bottom portion in parallel to the body portion as illustrated in Fig. 8 as taught by Shimada Shiniji because it makes it easier to sort out the container when removing it from a packing box.

Regarding claim 4, the examiner considers the maintaining means for maintaining the folded state (Specification, page 10, lines 12-15) invoke 112 6th paragraph. Segati-Applicant's Admitted Art teaches the claimed invention as applied to claim 1 with exception of a maintaining means for maintaining the folded state of the bag's main body. Shimada Shiniji teaches Means for maintaining the folded state (5a, 5b) of the bag's main body as illustrated in Fig. 3 is functional equivalent to Means for maintaining the folded state in order to store the container after the use. It would have been obvious to one of the ordinary skills in the art at the time of the invention to modify the bottom

portion of Segati-Applicant's Admitted Art with Maintaining Means for folded state as taught by Shimada Shiniji because it makes it easier to sort out the container when removing it from a packing box.

Regarding claim 15, Segati-Applicant's Admitted Art-Shimada Shiniji teaches the claimed invention as applied to claim 4. Segati-Applicant's Admitted Art- Shimada Shiniji does not teach a maintaining means including at least one convex portion on the body portion and at least one concave portion on the body portion to be engaged and disengaged with the convex portion. Shimada Shiniji teaches a maintaining means including at least one convex portion 22 (Shimada Shiniji) on the body portion and at least one concave 21(Shimada Shiniji) portion on the body portion as illustrated in Fig. 9(b) to be engaged and disengaged with the convex portion as illustrated in 9(b) (Shimada Shiniji). It would have been obvious to one of the ordinary skills in the art at the time of the invention to modify the bottom portion of Segati-Applicant's Admitted Art- Shimada Shiniji with concave and convex portion in order to pack the container and maintaining in a closed position for shipping.

Regarding claim 16, Segati-Applicant's Admitted Art-Shimada Shiniji teaches the claimed invention as applied to claim 4. Segati-Applicant's Admitted Art- Shimada Shiniji teaches maintaining means includes at least one convex portion 5a on the bottom portion and at least one concave portion 5b on the bottom portion to be engaged as

illustrated in Fig. 4 and disengaged with the convex portion as illustrated in Fig. 3.

Claims 17 is rejected under 35 U.S.C. 103(a) as being obvious over Segati (U S Patent No.: 5174458) in view of Applicants Admitted Art (Page 1, Lines 1-24) in further view of Shimada Shiniji (JP Patent No.:2001072030) as applied to claim 4 in further view of Ichikawa et al.(Patent No. : 6126315).

Regarding claim 17, Segati-Applicant's Admitted Art-Shimada Shiniji teaches the claimed invention as applied to claim 4. Segati-Applicant's Admitted Art-Shimada Shiniji does not teach a hot melt on the bottom portion and the hot melt adheres a first side of the bottom portion to a second side of the bottom portion. Ichikawa teaches a hot seal 59a in order to create a shape holding member (Ichikawa, column 7, lines 26 -28). It would have been obvious to one of the ordinary skills in the art at the time of the invention to modify the bottom portion edges of Segati-Applicant's Admitted Art-Shimada Shiniji with a hot melt as taught by Ichikawa in order to create a shape holding member. Note: Hot melt as claimed is similar to hot seal process that makes a same structure. It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. ***Ex parte Pfeiffer, 1962 C.D. 408 (1951).***

Claims 3 is rejected under 35 U.S.C. 103(a) as being obvious over Segati (U S Patent No.: 5174458) in view of Applicants Admitted Art (Page 1, Lines 1-24) as applied to claim 1 in further view of Cobb (U S Pat. No. 3727803).

Regarding claim 3, Segati-Applicant's Admitted Art teaches the claimed invention as applied to claim 1. Segati-Applicant's Admitted Art does not teach the folding the bottom portion into two toward an outer side of the body portion so as to fold the bottom portion in parallel to the body portion. Cobb teaches the folding the bottom portion into two toward an outer side 10 of the body portion so as to fold the bottom portion in parallel to the body portion as illustrated in Fig. 4 in order to squeeze out all of the contents from the container (Cobb, page 2, lines 15-17). It would have been obvious to one of the ordinary skills in the art at the time of the invention to modify the bottom portion of Segati-Applicant's Admitted Art with folding the bottom portion into two toward an outer side of the body portion so as to fold the bottom portion in parallel to the body portion as taught by Cobb in order to squeeze out all of the contents from the container.

Claim 9 is rejected under 35 U.S.C. 103(a) as being obvious over Segati (U S Patent No.: 5174458) in view of Applicants Admitted Art (Page 1, Lines 1-24) as applied to claim 1 in further view of Ichikawa et al.(Patent No. : 6126315).

Regarding claim 9, Segati-Applicant's Admitted Art teaches the claimed invention as applied to claim 1. Segati-Applicant's Admitted Art does not teach filling the bag's main

body with at least one of a surface active agent or a solvent as a component. Ichikawa teaches filling the bag's main body with at least one of a surface active agent (Ichikawa, column 1, lines 20-25) in order to store the contents before sealing the mouth as illustrated in Fig. 4. It would have been obvious to one of the ordinary skills in the art at the time of the invention to modify the contents of Segati-Applicant's Admitted Art surface active agent as taught by Ichikawa in order to store the contents before sealing the mouth of the container.

Claim 10 is rejected under 35 U.S.C. 103(a) as being obvious over Segati (U S Patent No.: 5174458) in view of Applicants Admitted Art (Page 1, Lines 1-24) as applied to claim 1 in further view of Shimada Shiniji (JP 2001072030).

Regarding claim 10, Segati-Applicant's Admitted Art teaches the claimed invention as applied to claim 1. Segati-Applicant's Admitted Art does not teach the body portion includes two side surfaces and the folding the main body includes folding each of the two side surfaces into two toward an outer side of the body portion so as to fold the body portion in parallel to the bottom portion. Shimada Shiniji teaches the body portion includes two side surfaces and the folding the main body includes folding each of the two side surfaces into two toward an outer side 4a of the body portion so as to fold the body portion in parallel to the bottom portion as illustrated in Fig. 8. It would have been obvious to one of the ordinary skills in the art at the time of the invention to modify the side portion of Segati-Applicant's Admitted Art with folding each of the two side surfaces

into two toward an outer side 4a of the body portion as taught by Shimada Shiniji in order to gives a better view of the container when displayed from the extended edges.

Claim 13-14 are rejected under 35 U.S.C. 103(a) as being obvious over Segati (U S Patent No.: 5174458) in view of Applicants Admitted Art (Page 1, Lines 1-24) as applied to claim 1 in view of Ichikawa et al.(Patent No. : 6126315) and further in view of Kishi Takon (JP 11130112A).

Regarding 13, Segati-Applicant's Admitted Art teaches the claimed invention as applied to claim 1, wherein the body portion includes a front surface 14 and a back surface 16 and the front surface. Segati-Applicant's Admitted Art does not teach a fusion bonding between two surfaces and filling portion bonded with ultrasonic sealing. Ichikawa teaches a hot seal 59a in order to create a shape holding member (Ichikawa, column 7, lines 26 -28). It would have been obvious to one of the ordinary skills in the art at the time of the invention to modify the edge of the opening 44 of Segati-Applicant's Admitted Art-Shimada Shiniji with a hot melt as taught by Ichikawa in order to create a shape holding member. Note: fusion bonding as claimed is similar to hot seal process that makes a same structure. It has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. ***Ex parte Pfeiffer, 1962 C.D. 408 (1951).***

Segati-Applicant's Admitted Art- Ichikawa teaches the claimed invention as claimed above with exception of the method further comprises: opening the charging portion; filling the self-supporting bag with a component via the charging portion; and after the filling, sealing the charging portion via heat sealing or ultrasonic sealing. Takon teaches opening the charging port 3, filling the bag with a component (Takon, column 3, paragraph 3) and after filling, sealing the charging portion via heat sealing 9. It would have been obvious to one of the ordinary skills in the art at the time of the invention to modify the charging portion of Segati-Applicant's Admitted Art Ichikawa with opening the charging portion, filling the from charging portion and sealing the charging portion as taught by Takon in order to store the product for sale.

Regarding claim 14, Segati-Applicant's Admitted Art- Ichikawa-Takon teaches the claimed invention with exception of pouring port. Takon teaches the pouring port 7 in order to pour out the stored contents inside the container. It would have been obvious to one of the ordinary skills in the art at the time of the invention to modify the top portion of the Segati-Applicant's Admitted Art- Ichikawa-Takon by adding a pouring port as taught by Takon in order to enable pouring out the contents from the container.

Remark To Argument

Applicant's arguments with respect to claims 1-4 and 9-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RISHI VERMA whose telephone number is (571)270-1390. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Gregory Pickett/
Primary Examiner, Art Unit 3728

/RISHI VERMA/
Examiner, Art Unit 3788